

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GRENVILLE DIVISION**

BERNICE CARSON BOONE,

PLAINTIFF,

VS.

CIVIL ACTION NO. 4:04CV158-P-B

**MISSISSIPPI VALLEY STATE UNIVERSITY
and RAFUS DAVIS,**

DEFENDANT.

ORDER

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND ADJUDGED** that:

(1) Defendants' Motion to Dismiss and/or for Summary Judgment [34-1] is hereby **GRANTED IN PART AND DENIED IN PART**; specifically,

(2) The motion, which has been treated as one for summary judgment, should be granted with respect to the plaintiff's claims against Rafus Davis in his individual capacity, therefore

(3) The plaintiff's claims against Rafus Davis are hereby **DISMISSED WITH PREJUDICE**; and

(4) The motion should be denied with regard to the remaining claims against Mississippi Valley State University.

SO ORDERED this the 9th day of June, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE